

35175/82

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SUPERVALU INC.,

Opposer,

V.

FRANCO MANUFACTURING CO., INC.,

Applicant.

Opposition No. 91161241

Application Serial No. 76/323,411

Filing Date: October 10, 2001

Publication Date: January 13, 2004

Trademark: SUPER VALUE

Attn: TTAB
Commissioner for Trademarks
Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

"Express Mail" mailing label No.:		EV 591311485 US
Date of Deposit:	February 17, 2005	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, Madison East, Concourse Level Room C 55, 600 Dulany Street, Alexandria, VA 22314.		
Name:	Jane Williams	
Signature:	<i>Jane Williams</i>	

**MOTION UPON CONSENT FOR EXTENSION
OF TIME TO FILE ANSWER AND TO EXTEND DATES**

Dear Commissioner:

Applicant, Franco Manufacturing Co., Inc., upon consent of counsel for opposer, SuperValu Inc., hereby moves to extend the time to answer and to extend all discovery and testimony periods by 60 days. The parties are engaging in



settlement discussions and require additional time so that they may hopefully resolve this matter.

The dates, as extended, would expire as follows:

Applicant's Answer due:	April 20, 2005
Discovery to Close:	June 28, 2005
30-day testimony period for party in position of plaintiff to close:	September 27, 2005
30-day testimony period for party in position of defendant to close:	November 27, 2005
15-day rebuttal testimony period for plaintiff to close:	January 11, 2006

Scott W. Johnston, Esq., counsel for Opposer, consented to this motion and the extension in a telephone conversation on February 8, 2005.

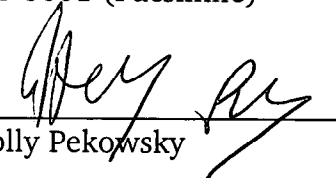
An original and two copies of this Motion are submitted herewith.

A certificate of service upon counsel for Opposer is attached.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

90 Park Avenue
New York, New York 10016
(212) 336-8000 (Telephone)
(212) 336-8001 (Facsimile)

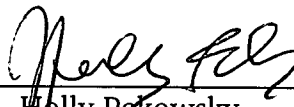
By: 
Holly Pekowsky

Dated: New York, New York
February 17, 2005

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she is one of the attorneys for Applicant Franco Manufacturing Co., Inc. in the captioned action, and that on the date which appears below she served a copy of the annexed MOTION UPON CONSENT FOR EXTENSION OF TIME TO FILE ANSWER AND TO EXTEND DATES on Opposer Supervalu Inc. by causing a copy thereof to be placed in a depository under the care and custody of the United States Postal Service, First Class postage prepaid affixed thereto, addressed to the attorneys for Opposer, as follows:

Scott W. Johnston, Esq.
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis, MN 55402-9944



Molly Pekowsky

Dated: February 17, 2005
New York, New York